IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No. 6419/2006

Smt. Vandanabai w/o Jyotish Gajbhiye ..vs.. The Zilla Parishad, Gondia and Ors.

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

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CORAM: A. P. LAVANDE & R. V. MORE, JJ.
DATED : 13th September, 2007

Heard Mr. Borkar, Advocate for the petitioner, Mr. Kapgate, Advocate for respondent Nos. 1 and 2.

The petitioner, by filing the present petition under Article 226 and 227 of the Constitution of India seeks to challenge appointment of respondent No. 3 to the post of *Anganwadi Sevika*.

The contention of petitioner is two fold. Firstly, she has experience of eight years as *Anganwadi Madatnis* and, therefore, as per the policy of the Government laid down in Circular dated 19.05.2006 she should have been given preference over respondent No. 3. And secondly, respondent No. 3 is not local resident of village Kamtha where *Anganwadi*

Sevika was to be appointed and, therefore, she was not entitled to be appointed.

Respondent Nos. 1 and 2 by filing affidavit in reply pointed out that the Circular dated 19.05.2006 which is being relied upon by the petitioner in order to claim priority over respondent No. 3 was already cancelled by later Circular dated 28.07.2006. So far as the contention of the petitioner that respondent No. 3 is not resident village of Kamtha is concerned, it was pointed out that respondent No. 3 got married with one Dilipkumar Motiram, who was resident of village Phopsa. However, the said Dilip died on 02.12.2004 and, thereafter, respondent No. 3 is residing with her parents at village Kamtha. Respondent Nos. 1 and 2 relied upon certificates issued by Sarpancha, Police Patil and Talathi of village Kamtha in this regard.

In our considered opinion, the grounds on which appointment of respondent No. 3 is being challenged by the petitioner are devoid of any substance, in view of the reply given by respondent Nos. 1 and 2. In addition to this, the

learned counsel for respondent Nos.1 and 2 produced the Chart showing total marks obtained by all 26 candidates who applied for the post of *Anganwadi Sevika* of village Kamtha. Perusal of this Chart reveals that respondent No. 3 got total 312 marks i.e. highest amongst 26 candidates and the petitioner got 269 marks. It is, thus, clear that selection of respondent No. 3 on the post of *Anganwadi Sevika* cannot be faulted with.

In the facts and circumstances mentioned above, we see no merit in the petition. The same is devoid of any substance and, therefore, dismissed with no order as to costs.

JUDGE **JUDGE**

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